

REMARKS

These remarks are in response to the Final Office Action mailed July 24, 2006. The prior response was not entered. This supplemental response has amended claim 55. Support for the amendment can be found in claim 1 as currently pending and thus does not raise issues requiring an additional search.

Applicants respectfully thank Examiner Lau for the courteous telephonic interview conducted on October 17, 2006. During the interview Applicants' representative, Joseph Baker, discussed the pending rejection under Section 102(e) and Applicants' priority date. Applicants believe an agreement was reached. In particular, the Examiner agreed that Applicants' priority date for "internet" predates that availability of the reference cited below under Section 102(e). Furthermore, the Examiner agreed that the reference cited under 102(e) failed to disclose or suggest "fiber optic cable" or "air-wave frequency". Applicants reiterate the arguments below for the Examiner's reference. Applicants respectfully request consideration of the remarks below.

REJECTION UNDER 35 U.S.C. §102(e)

Claims 1-24, and 55-58 stand rejected as allegedly anticipated by U.S. Patent Publication 2004/0042933 to Lewis *et al.* ("Lewis *et al.* publication"). Applicants respectfully traverse and submit that the cited reference is not prior art to Applicants' claimed invention.

The Lewis *et al.* publication is a continuation of U.S. Serial No. 09/910,243 filed July 20, 2001, which is a divisional of U.S. Serial No. 09/442,074, filed Nov. 16, 1999, which claims the benefit of Provisional Application No. 60/108,915, filed

November 17, 1998, and Provisional Application No. 60/108,674, filed November 16, 1998.

The priority documents of the Lewis *et al.* publication (*i.e.*, Provisional Applications 60/108,915, and 60/108,674) do not teach or suggest remote characterization or an odor. Thus, the earliest date the Lewis *et al.* publication is entitled to for remote characterization is November 16, 1999 (*i.e.*, 4 months after Applicants' priority date of June 1999). Furthermore, the priority document 09/442,074 (November 16, 1999) does not teach or suggest each and every element of Applicants' claimed invention. For example, the 09/442,074 application does not teach or suggest "fiber-optic cable, and/or an air-wave frequency" as recited, for example, in claim 1 of the present application.

The present application claims priority to Provisional Application No. 60/140,027, filed June 16, 1999 (*i.e.*, prior to the 09/442,074 application of Lewis *et al.*). The 60/140,027 application teaches remote characterization of an odor prior to the Lewis *et al.*'s earliest description under 102(e). **In other words, the Lewis *et al.* reference (including priority documents) cited by the Examiner does not teach or suggest remote characterization prior to Applicants' priority date of June 16, 1999.**

The Examiner purports that the subject matter in claim 1, namely transmitting data corresponding to the detectable signal using fiber-optics cable and air-wave frequency, is not found in Applicants' Provisional applications 60/140,027 and 60/133,318. Applicants' Provisional application 60/140,027, describes a method of data transmission by "transmission across an information network digitally", (paragraphs 3 and 5 of Applicants' provisional application). Applicants submit that

one of skill in the art would understand this method of transmission to include using fiber-optics cable and air-wave frequency, in addition to internet-based transmission as set forth in Applicants' claimed invention. However, even if, Applicants are not entitled to the provisional application for fiber-optics and air-wave transmission, the Lewis *et al.* publication does not teach or suggest these elements and thus does not anticipate Applicants' claimed invention.

Furthermore, the Examiner cites the Lewis *et al.* publication as prior art based on its disclosure of transmission of signals over the internet. Applicants submit that the Provisional Applications to which the Lewis *et al.* publication claims priority do not teach or suggest transmitting data corresponding to the detectable signal using any means as disclosed in the present invention. On the contrary, Applicants' provisional application specifically disclose internet transmission (see, *e.g.*, paragraph 1, line 8 of Applicants' provisional application dated June 16, 1999). This "internet" concept is prior to the Lewis *et al.* publication and its priority document dated November 16, 1999). Thus, the present application is entitled to its priority date of June 16, 1999, prior to the effective date of the alleged prior art of the Lewis *et al.* publication. Applicants submit that the Lewis *et al.* publication (including its priority documents) does not anticipate Applicants' claimed invention under Section 102(e). The Lewis *et al.* publication does not teach or suggest Applicants' claimed invention prior to Applicants' priority date of June 16, 1999.

Accordingly, the Lewis *et al.* publication is not prior art for "internet" as Applicants' Provisional 60/140,027, filed June 16, 1999, pre-dates the Lewis *et al.* publication, and Lewis *et al.* do not teach or suggest each and every element of the

Applicant's claimed invention (e.g., "fiber optic" or "air-wave frequency"). Based on the foregoing, Applicants respectfully requests withdrawal of the rejection.

To Briefly summarize:

(1) The Lewis *et al.* publication does not teach or suggest "fiber optic" or "air-wave frequency", thus Lewis *et al.* cannot anticipate the present application; and

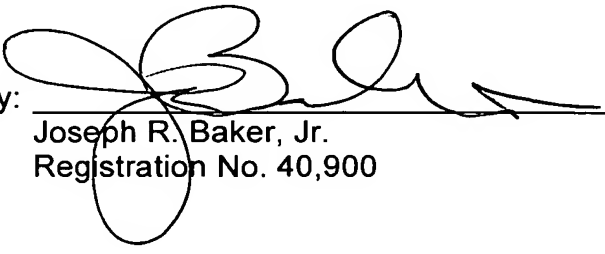
(2) The Lewis *et al.* publication is entitled to "internet" only as of November 1999, this is after the priority date for "internet" of June 16, 1999 of the present application, thus the Lewis *et al.* publication cannot anticipate Applicants' claimed invention.

Applicants believe the claims are in condition for allowance. Should any issues remain, the Examiner is respectfully requested to call the undersigned representative. No fee is believed to be due with respect to the filing of this paper. If any required fee is due, or the credit of any overpayment, the Commissioner is authorized to charge or credit Deposit Account No. 02-4800.

Respectfully submitted,

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